

Administrative Rule Promulgated Pursuant to Miss. Code Ann. § 23-15-701,
S.B. No. 2642 (2010), and Miss. Code Ann. § 25-43-1.101 et seq.

Re: The Secretary of State's Adoption of Necessary and Essential Rules to Comply with the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)

- I. Pursuant to the Military and Overseas Voter Empowerment Act (MOVE Act) of 2009, Congress amended UOCAVA to require that absentee ballots must be transmitted at least 45 days before an election to any UOCAVA voter who has submitted a request by that date. The 45 day transmittal deadline for the November 2, 2010 General Election occurred on Saturday, September 18, 2010.
- II. The following Mississippi counties were unable to meet the September 18, 2010 transmittal deadline: Adams, Alcorn, Attala, Clay, Coahoma, Covington, Forrest, Hinds, Jasper, Jones, Lafayette, Lamar, Montgomery, Neshoba, Perry, Pontotoc, Tishomingo, Union, Warren, Washington, Webster, and Yazoo.
- III. Pursuant to Miss. Code Ann. §23-15-701 and S.B. No. 2642 (2010), the Secretary of State has authority to adopt rules necessary and essential to bring the State into compliance with the Uniformed and Overseas Citizens Absentee Voting Act, 42 USCS § 1973ff et seq.
- IV. In order to comply with UOCAVA, it is necessary for the Secretary of State to promulgate a rule extending the deadline to receive UOCAVA absentee ballots for the November 2, 2010 General Election in these several counties. Therefore, the following rule is hereby adopted:
 - A. **The deadline to receive all mailed, faxed, and emailed UOCAVA absentee ballots and Federal Write-in Absentee Ballots for the November 2, 2010 General Election in the counties of Adams, Alcorn, Attala, Clay, Coahoma, Covington, Forrest, Hinds, Jasper, Jones, Lafayette, Lamar, Montgomery, Neshoba, Perry, Pontotoc, Tishomingo, Union, Warren, Washington, Webster, and Yazoo is hereby extended until 7:00 p.m. on Monday, November 8, 2010.**
 - B. **The respective election commission of each county shall have the duty of examining and counting absentee ballots received pursuant to this rule. Any UOCAVA absentee ballots received by the registrar subsequent to the delivery of ballot boxes to election managers on election day and on or before the November 8, 2010 deadline shall be retained by the registrar and shall be delivered, together with the applications of the qualified absentee elector, to the respective election commission of each county. The registrar shall receive**

a receipt from the election commission for all such ballots and applications delivered. The election commission shall, upon the canvassing of the returns, count such ballots as if delivered to the proper precincts and such ballots shall be considered valid for all purposes as if they had been actually deposited in the proper precinct ballot boxes. Except as provided in the Mississippi Armed Services Absentee Voting Law and this rule, absentee ballots received under this rule shall be treated, examined and counted in the same manner as other absentee ballots.

- C. Any UOCAVA ballots received after 7:00 p.m. on Monday, November 8, 2010 shall be handled as provided in § 23-15-647 and shall not be counted.